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IN THE

SUPREME COURT OF THE UNITED STATES.

OCTOBER TERM, 1962.

No. [redacted] 37

DAVID J. VANN and ROBERT S. VANCE, Appellants,

versus

BETTYE FRINK, Secretary of State of the State of Alabama; HARRELL HAMMONDS, Judge of Probate of Lowndes County, Alabama; JOHN A. SANKEY, Judge of Probate of Montgomery County, Alabama; J. PAUL MEEKS, Judge of Probate of Jefferson County, Alabama; JOHN GRENIER, Chairman of the Alabama State Republican Executive Committee; PERRY O. HOOPER, Secretary of the Alabama State Republican Executive Committee; H. G. RAINS, Secretary of the Alabama State Democratic Executive Committee; MacDONALD GALLION, Attorney General of the State of Alabama; ROY MAYHALL, Chairman of the Alabama State Democratic Executive Committee, Appellees.

On Appeal from the United States District Court for the Middle District of Alabama, Northern Division.

JURISDICTIONAL STATEMENT OF APPELLANTS.

DAVID J. VANN,
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Birmingham, Alabama,
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Birmingham, Alabama,
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Cases Cited.

Baker v. Carr, 369 U. S. 186 ..... 3, 4, 10

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W. M. C. A., Inc., et al. v. Simon (June 11, 1962), ... U. S. ... (8 L. Ed. 2d) 3, 10

Statutes Cited.

Title 28, U. S. C., § 1253	3
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Constitution Cited.

Alabama Constitution, 1901:
Sec. 198 ..... 3, 4
Sec. 199 ..... 3, 4
Sec. 200 ..... 3, 4
Sec. 284 ..... 3, 4

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Compendium on Legislative Reapportionment, Second Edition, National Municipal League, p. iii 5

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On Appeal from the United States District Court for the Middle District of Alabama, Northern Division.

JURISDICTIONAL STATEMENT OF APPELLANTS.

OPINIONS BELOW.

This is a cross-appeal by intervening plaintiffs, David J. Vann and Robert S. Vance, individually and as Chairman and Vice-Chairman, respectively, of the Jefferson County Democratic Campaign Committee. The appeal is taken from the decree of the United States District Court for the Middle District of Alabama, Northern Division, composed of three judges. Said decree was made and

entered on July 25, 1962, pursuant to the court's opinion which was filed on July 21, 1962. The opinion of the District Court (... F. Supp. ...) is not yet reported but it and the Court's decree appear as Appendix No. 1 to the separate jurisdictional statement of Appellants in O. T. No. 501, **Reynolds, et al. v. Sims, et al.**, which was filed in this Court on October 12, 1962.

BASIS OF JURISDICTION.

I.

The proceeding below was instituted by the original plaintiffs below on their own behalf and on behalf of all persons similarly situated. The complaint sought a declaration of their rights concerning the apportionment of the Legislature of Alabama and other relief required to insure to them Equal Protection of the Laws theretofore denied them. Cross-Appellants and others intervened, asked more specific relief, and were added as additional parties plaintiff.

All parties plaintiff are citizens, taxpayers, and voters of the State of Alabama and are residents of three of its most populous counties. Defendants are the public and political party officials who, under Alabama law, control and operate the election processes by which the members of the state legislature are selected.

The complaint sought a declaratory judgment pursuant to Title 28, U. S. C., §§ 2201 and 2202, as well as injunctive relief. Jurisdiction rests on those sections and on Title 42, U. S. C., §§ 1983 and 1988, and on Title 28, U. S. C., § 1343 (3). The case was determined by a panel of three judges convened under Title 28, U. S. C., §§ 2281 and 2284.

II.

The decree from which this cross-appeal was taken was entered on July 25, 1962, following the opinion of the

Court, filed on July 21, 1962. A preliminary opinion, entered on April 14, 1962, is reported at 205 F. Supp. 245. Cross-Appellants filed a Motion for Rehearing and Modification of Proposed Decree on July 25, 1962, in which the questions here presented were presented to the lower court. That motion was denied by order dated July 25, 1962 (Appendix A hereto), wherein the Court stated that all of the issues raised had been fully considered.

Notice of Appeal from said decree was filed in O. T., 1962, No. 501, **Reynolds et al. v. Sims et al.**, supra, on August 17, 1962. Cross-Appellants thereafter filed their separate Notice of Appeal in the United States District Court for the Middle District of Alabama on August 23, 1962.

III.

Jurisdiction of this appeal is believed to be conferred on this Court by Title 28, U. S. C., § 1253.

IV.

Jurisdiction of this appeal is believed to be sustained by the cases of **Baker v. Carr**, 369 U. S. 186; **Scholle v. Hare**, 369 U. S. 429; **W. M. C. A., Inc., et al. v. Simon** (June 11, 1962), . . . U. S. . . . (8 L. Ed. 2d).

V.

Involved in this cross-appeal are §§ 198, 199, 200, and the last sentence of § 284 of the Constitution of Alabama of 1901, all of which appear as Appendix B to this statement.

QUESTIONS PRESENTED.

The Cross-Appellants raise the following questions, all of which they maintain should be answered by this Court in the affirmative:

I.

Were these Appellants entitled to have the decree of the court below, insofar as it provisionally reapportioned the Senate of the State of Alabama, substantially comply with the requirements of the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States?

II.

Were these Appellants entitled to a declaration from the court below that, under §§ 200 and 284 of the Constitution of Alabama of 1901 and the Fourteenth Amendment of the Constitution of the United States, the Senate of the State of Alabama must be apportioned so that Senate districts are "as nearly equal to each other in the number of inhabitants as may be"?

III.

In this proceeding should the provisions of the Constitution of Alabama of 1901, and particularly of §§ 198, 199, 200 and 284 thereof, be applied so as to meet the requirements of the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States in the light of the distribution of population within the State of Alabama according to the last federal census?

STATEMENT OF THE CASE.

The Alabama Constitution of 1901 (§§ 198, 199, 200, and 284) requires that the apportionment of both houses of the legislature of Alabama be on a population basis, except that under § 198, each of the State's 67 counties, regardless of population, is guaranteed at least one representative in the 106-member lower house.

The duty for such reapportionment is placed on the legislature itself (§§ 199, 200). Alabama courts have held

that other branches of government are powerless to compel the reapportionment required by the State Constitution in the event of the Legislature's failure to act (**Waid v. Pool**, 225 Ala. 441, 51 So. 2d 869). The Constitution contains no provision for popular initiative with respect either to reapportionment or constitutional amendment.

The Alabama Legislature has failed to reapportion itself throughout the entire 61-year period since the adoption of the 1901 Constitution. During that period, a marked population shift has occurred (see: Appendices D and E to the opinion of the District Court). The result is an exaggerated concentration of power in the citizens of some small counties and corresponding under-representation of the citizens of the larger counties. The 1960 census shows that prior to the decree below, control of the Alabama House of Representatives rested with a minimum of 25.7% of the people of the State and that the Senate was controlled by 25.1% (**Compendium on Legislative Reapportionment**, Second Edition, National Municipal League, p. iii). Jefferson County—the most populous county in the state—has almost 20% of the State's population but had only 6.6% of the representation in the lower house of the Legislature and only 2.9% in the Senate.

The amended complaints of the plaintiffs and intervening plaintiffs charged, *inter alia*, that the Alabama Legislature's failure to reapportion itself, as required by the State Constitution, had worked to deny them the equal protection of the law required by the Fourteenth Amendment. The complaints sought a declaratory judgment and such injunctive relief as would effect the apportionment of the Legislature in conformity with equal protection requirements.

The suit was commenced prior to this Court's decision in **Baker v. Carr**, supra, and was continued pending the outcome of that case. On April 14, 1962, the District

Court rendered an opinion on an application for interlocutory injunction in which it noted that the plaintiffs had standing to sue and that a justiciable cause of action, over which the court has jurisdiction, had been stated in the complaint. The hearing was continued until July 16, 1962, to give the Alabama Legislature ample opportunity to reapportion itself and thus avoid the need for further court action.

An extraordinary session of the State Legislature was called. On July 12 and 13, 1962, it adopted two reapportionment plans—one a proposed constitutional amendment, and the other a reapportionment act—neither of which was to take effect until 1966.

Neither the amendment nor the act even purported to base representation in both houses on a population basis. The amendment (called the 67 Senator Amendment) completely removed population as a factor in the upper house and awarded one senator to each county regardless of population. In the 106-member lower house, each county was also given one member regardless of population; only the 39 remaining places were assigned on the basis of population.

The reapportionment act (called the Crawford-Webb Act) was a minimum-change bill which was to take effect only in the event that the amendment failed to achieve popular ratification. The act transferred a few seats in the lower house from the most over-represented to the most under-represented counties. New Senate districts were carefully drawn around the nominees of the May 1962 Democratic primary so as to retain the seats of 34 of the 35 nominees. The act did not purport to meet any population standard in either house.

Apparently contemplating that neither measure would pass the Constitutional test, the Legislature also adopted

an act providing for special primary elections in the event of court-ordered reapportionment.

At its hearing on July 16, 1962, the lower court had before it a motion for interlocutory injunction and a motion for summary judgment. All sworn pleadings and affidavits of plaintiffs and interveners as well as oral testimony and exhibits were received into evidence. The issues submitted included the merits of the amended complaints and the validity of the two measures adopted less than a week previously by the Legislature.

In its opinion of July 21, 1962, the District Court noted that all parties had generally conceded that present apportionment of both houses of the Alabama Legislature constituted invidious discrimination in violation of the Fourteenth Amendment. It so held. With respect to the two measures enacted during the recent extraordinary legislative session, the court held:

> "We find that each of the legislative acts, when considered as a whole, is so obviously discriminatory, arbitrary and irrational that it becomes unnecessary to pursue a detailed development of each of the relevant factors of the test."

Having so found, the court adopted the principle of provisional reapportionment suggested by Cross-Appellants. However, it rejected Cross-Appellants' two specific plans of Senate reapportionment (See Appendices C and D) and adopted as its own plan, a combination of the 67 Senator Amendment lower house and the Crawford-Webb Senate. The court plan was ordered into effect as of the November, 1962, general election by appropriate injunctive order. The court expressed the purpose of holding changes to the minimum necessary to release the stranglehold on the Legislature and in order to permit the Legislature to devise its own permanent reapportionment plan. It held that its plan would not suffice as such permanent

reapportionment. The court refrained from spelling out specific constitutional standards to be applied under permanent reapportionment. However, it retained jurisdiction until the next Legislature shall have had opportunity to enact its own permanent reapportionment plan.

With respect to the House of Representatives, the court's provisional plan of reapportionment allows one member per county regardless of population and allocates the remaining 39 seats under the equal-proportions method of computation. By reason of the ratio in Alabama of number of counties to number of house seats and the population distribution, this is certainly not a true population apportionment—almost two-thirds of the seats are allocated on a county basis without regard to population. Control is thus retained by a small county minority. The District Court's provisional plan for reapportionment of the lower house should effectively break the small county stranglehold in that house, however, and Cross-Appellants do not now challenge that aspect of the court's ruling.

It is the provisional Senate apportionment under the District Court's decree with which this Cross-Appeal is concerned. This apportionment does not substantially comply with any reasonable constitutional standards. No declaration of such standards was made by the Court. In practical effect, the court's order resulted in the shift of only one senate seat from one over-represented district to another over-represented district. Under the special primary bill passed by the Alabama Legislature, the only real change was the transfer of one Senate seat from Lowndes County to a newly created and under-populated senatorial district consisting of Blount and St. Clair Counties. The Court-appointed Senate may be analyzed further as follows:

(a) Whereas the present Senate of Alabama is controlled by 25.1% of the people, the new apportionment

retains control in the hands of a mere 27.6% of the people.

(b) Senate control is held by fewer people than reside in the State's two largest counties alone.

(c) A citizen in Bibb and Perry Counties has a vote worth twenty times that of a citizen in Jefferson County in the State Senate. The votes of citizens in the six smallest districts are worth fifteen or more times that of Jefferson County residents. In 22 districts, the citizens would have eight or more times as much representation as citizens residing in Jefferson County.

The action of the District Court was taken with apparent awareness that although the Supreme Court has clearly indicated that Constitutional standards must be met, it has set out no guidelines with respect to such standards. This situation created the dilemma in which the District Court was obliged to act. In taking action, the District Court expressed serious doubts as to the sufficiency of such action and elected to seek the most moderate steps on which any hope of a permanent solution could conceivably be based.

In argument before the District Court, the Senate sponsor of the Crawford-Webb Act represented to the Court that it was the best measure that could possibly be pushed through the Alabama Legislature as it is presently constituted. Concurrence of both houses is, of course, required and the lower court's decree accomplished virtually nothing insofar as Senate malapportionment is concerned. It, therefore, remains a virtual certainty that no substantial correction of the invidious discrimination which exists in the Alabama Senate can be achieved without further judicial action. The longer such action is postponed the greater the disruption of state government in Alabama will be.

The devaluation of the vote of Jefferson County residents in the State Senate remains roughly comparable to that which existed in **Baker v. Carr**, supra, prior to litigation. In neither of the other cases which have been before this Court, **W. M. C. A., Inc. et al. v. Simon**, supra, and **Scholle v. Hare**, supra, did the degree of invidious discrimination prior to litigation even begin to approach this 20-to-1 ratio. It is, therefore, manifestly clear that if the Court's plan of apportionment had existed in Alabama prior to this time, judicial intervention would have been necessary and the relief similar to that prayed with respect to the Senate would surely have been granted.

In the State Senate to be elected in November 1962, the 634,864 people of Jefferson County, comprising 19.4% of the population of the State, will have only 2.9% of the Senate membership—a feeble weapon to resist the type of discriminatory legislation which has habitually been directed toward the urban areas. One-fifth of the State's population will have less than one-thirtieth of the Senate voice in formulating a permanent plan of legislative apportionment.

The District Court found that the requirements of the Alabama Constitution, as construed by it, require an apportionment of the State Senate, which comports to Fourteenth Amendment standards. The Alabama Constitution requires that Senate districts be as "nearly equal to each other in the number of inhabitants as may be." There is one most nearly mathematically perfect way that the Senate may be apportioned. As an alternative, Cross-Appellants asked the District Court to adopt a proposed provisional apportionment which would involve minimum change (17 of the 35 present Senatorial districts could be retained) and still approach Constitutional requirements by reducing the factor of maximum discrimination to substantially less than 2-to-1. (A mathematical analysis of

both alternatives in the form in which it was presented to the lower court appear as Appendices C and D). The District Court rejected the application of population standards, holding that it:

> "would result in a very drastic reapportionment, and probably place nine counties having over half the population of the state in control of the senate."

It is, of course, the contention of Cross-Appellants that majority rule cannot be "drastic." Unless a majority of the people can elect a majority of the legislature, there can be no Equal Protection of the Laws. The District Court's decree includes a ratio of discrimination in the State Senate of up to 20-to-1 and vests Senate control in approximately one-fourth of the people of the State.

THE QUESTION PRESENTED IS SUBSTANTIAL.

This Cross-Appeal squarely tenders the most important unresolved question involved in pending reapportionment litigation:

> Does the Fourteenth Amendment to the United States Constitution prohibit the creation of electoral districts for one house of a state legislature which result in substantial inequality of popular representation in that house?

In more than one instance, the separate opinions in the three reapportionment cases decided by this Court within the last year have pointed up the need for the resolution of this question. Complications in the Alabama situation —including apportionment of the lower house on a basis other than pure population—make this case especially appropriate for a resolution of this problem which will have broadest application.

The Court below was placed in the uncomfortable position of being required to act yet having no standards to

guide its action. With respect to the State Senate, it sought the most moderate possible step. If, however, Cross-Appellants' contention as to the Fourteenth Amendment be correct, they are forced to a respectful conclusion that the court's decree perpetuates invidious discrimination in violation of the Constitution. Cross-Appellants respectfully suggest that unless this Court resolves the basic issue here presented, protracted litigation and incalculable delay will stand between the citizens of Alabama and the restoration to them of Equal Protection of Laws. State government cannot fulfill its important place in our system of government unless this most basic of all governments is protected as the spokesman of a majority of a state's citizens.

CONCLUSION.

Cross-Appellants respectfully submit that probable jurisdiction should be noted and the case advanced to the argument calendar for full consideration.

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Birmingham, Alabama,

C. H. ERSKINE SMITH,
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Birmingham, Alabama,
Attorneys for Appellants.

Proof of Service.

I, Robert S. Vance, an appellant herein, depose and say that on the ...18 day of October, 1962, I served copies of the foregoing jurisdictional statement on each of the appellees herein and on each of the parties in the court below by mailing copies, via U. S. mail, in duly addressed envelopes with first-class postage prepaid, to their respective attorneys of record, or if none, to them personally, as follows:

1. On Hon. MacDonald Gallion, Attorney General of Alabama, Montgomery, Alabama, Attorney of Record for himself and for Hon. Bettye Frink.

2. On Boswell and Smith, Geneva, Alabama, Attorneys of Record for Judge Harrell Hammonds.

3. On Judge John A. Sankey, Court House, Montgomery, Alabama.

4. On Judge J. Paul Meeks, Court House, Birmingham, Alabama.

5. On Hon. John Grenier, Comer Building, Birmingham, Alabama.

6. On Hon. Perry O. Hooper, Washington Building, Montgomery, Alabama.

7. On Roy D. McCord, Esquire, Gadsden, Alabama, Attorney for Hon. H. G. Rains.

8. On Hon. Roy Mayhall, Court House, Jasper, Alabama.

9. On Charles Morgan, Jr., Esquire, Bank for Savings Building, Birmingham, Alabama, Attorney for original plaintiffs.

10. On John W. McConnell, Jr., Esquire, 1101 Merchants National Bank Building, Mobile, Alabama, Attorney for intervening plaintiffs McConnell et al.

11. On Cooper, Mitch & Crawford, Bank for Savings Building, Birmingham, Alabama, Attorneys for intervening plaintiffs Farr et al.

12. On Thomas G. Gayle, Esquire, 1104½ Water Avenue, Selma, Alabama, Attorney for appellant Reynolds.

13. On Rankin Fite, Esquire, Hamilton, Alabama, Attorney for appellant Pearce.

Robert S. Vance.

APPENDIX A.

In the
UNITED STATES DISTRICT COURT
For the Middle District of Alabama,
Northern Division.

Civil Action No. 1744-N.

M. O. Sims, Fred A. Beam, Wylie Johnson, G. R. Southard, Miles S. Lee, Paul Friedman, William Lindsay Williams, William P. Shaw, Jr., Prentice W. Thomas, Richard P. Tannehill, Paul M. Byrne, David R. Baker, Charles Morgan, Jr., and George Peach Taylor, for Themselves Jointly and Severally, and for all others similarly Situated,
Plaintiffs,

R. E. Farr, Marshall Meadows, Jack Hopping, Jack Ryan, Max W. Morgan, David J. Vann, Robert S. Vance, Richard P. Humphrey, Jr., John W. McConnell, Jr., Joseph N. Langan, William M. Williams, Jr., and Garet Van Antwerp,
Intervening Plaintiffs,

vs.

Bettye Frink, Secretary of State of the State of Alabama; Harrell Hammonds, Judge of Probate of Lowndes County, Alabama; John A. Sankey, Judge of Probate of Montgomery County, Alabama; J. Paul Meeks, Judge of Probate of Jefferson County, Alabama; John Grenier, Chairman of the Alabama State Republican Executive Committee; Perry O. Hooper, Secretary of the Alabama State Republican Executive Committee; Roy Mayhall, Chairman of the Alabama State Democratic Executive Committee; H. G. Rains, Secretary of the Alabama State Democratic Executive Committee; MacDonald Gallion, Attorney General of the State of Alabama,
Defendants.

Order Denying Motion for Rehearing and Modification.

Several of the intervening plaintiffs have filed on this date a "Motion for Rehearing and Modification of Proposed Decree." This motion seeks to have this Court modify its opinion of July 21, 1962, and the decree entered thereon of July 25, 1962, to the extent that said opinion and decree relate to the reapportionment and redistricting of the Senate of Alabama.

There are no new matters set out in the motion for rehearing and modification that were not presented to and thoroughly considered by this Court prior to issuing its opinion of July 21, 1962, and the decree issued thereon.

Upon consideration of the "Motion for Rehearing and Modification of Proposed Decree" and the several grounds thereof; it is, therefore, the Order, Judgment and Decree of this Court that said motion be and the same is hereby denied.

Done, this the 25th day of July, 1962.

/s/ Richard T. Rives,
United States Circuit Judge.

/s/ Daniel H. Thomas,
United States District Judge.

/s/ Frank M. Johnson, Jr.,
United States District Judge.

APPENDIX B.

Constitution of Alabama of 1901.

Section 198. The house of representatives shall consist of not more than one hundred and five members, unless new counties shall be created, in which event each new county shall be entitled to one representative. The members of the house of representatives shall be apportioned by the legislature among the several counties of the state, according to the number of inhabitants in them, respectively, as ascertained by the decennial census of the United States, which apportionment, when made, shall not be subject to alteration until the next session of the legislature after the next decennial census of the United States shall have been taken.

Section 199. It shall be the duty of the legislature at its first session after the taking of the decennial census of the United States in the year nineteen hundred and ten, and after each subsequent decennial census, to fix by law the number of representatives and apportion them among the several counties of the state, according to the number of inhabitants in them, respectively; provided, that each county shall be entitled to at least one representative.

Section 200. It shall be the duty of the legislature at its first session after taking the decennial census of the United States in the year nineteen hundred and ten, and after each subsequent decennial census, to fix by law the number of senators, and to divide the state into as many senatorial districts as there are senators, which districts shall be as nearly equal to each other in the number of inhabitants as may be, and each shall be entitled to one senator, and no more; and such districts, when formed,

shall not be changed until the next apportioning session of the legislature, after the next decennial census of the United States shall have been taken; provided, that counties created after the next preceding apportioning session of the legislature may be attached to senatorial districts. No county shall be divided between two districts, and no district shall be made up of two or more counties not contiguous to each other.

Section 284. . . . Representation in the legislature shall be based upon population, and such basis of representation shall not be changed by constitutional amendments.

APPENDIX C.

MOST NEARLY PERFECT REAPPORTIONMENT OF THE SENATE

DISTRICT	POPULATION	VARIATION
(Under-Represented)		
Madison *	117,348	+24,013
Tuscaloosa *	109,047	+15,712
Mobile #1 *	104,767	+11,435
Mobile #2	104,767	+11,435
Mobile #3	104,767	+11,435
Etowah	96,980	+ 3,645
Limestone Morgan	96,967	+ 3,632
Lee Russell *	96,105	+ 2,770
Calhoun *	95,878	+ 2,543
Dale, Henry Houston	97,070	+ 2,415
Jackson, DeKalb Cherokee	94,401	+ 1,066
Blount, Coosa St. Clair Shelby	93,695	+ 360
Marshall Cullman	93,590	+ 255
(Over-Represented)		
Randolph Chambers Tallapoosa	92,302	- 1,034
Crenshaw, Butler Conecuh Escambia	90,742	- 2,593
Jefferson #1 *	90,695	- 2,640
Jefferson #2	90,695	- 2,640
Jefferson #3	90,695	-2,640
Jefferson #4	90,695	-2,640
Jefferson #5	90,695	-2,640
Jefferson #6	90,695	-2,640
Jefferson #7	90,695	-2,640
Colbert, Marion Franklin *	90,331	-3,004
Macon, Pike Bullock Barbour	90,266	-3,099
Marengo, Clarke Choctaw, Wilcox	89,445	-3,890
Dallas, Perry Lowndes	89,422	-3,913
Lamar, Sumter Pickens, Hale Greene	89,331	-4,004
Chilton, Bibb Autauga Elmore	89,313	-4,022
Clay, Cleburne Talladega	88,806	-4,529
Coffee, Geneva Covington	88,524	-4,811
Baldwin, Monroe Washington	86,832	-6,503
Lauderdale Lawrence	86,123	-7,202
Winston, Walker Fayette	85,217	-8,118
Montgomery #1*	84,605	-8,125
Montgomery #2	84,605	-8,125

1/ Variation from perfect District of 93,335.

*Present District.

APPENDIX D.

PROPOSED TEMPORARY OR PROVISIONAL SENATE [1]

DISTRICT	POPULATION	VARIATION [2]
FIRST: * Lauderdale Limestone	98,135	+ 4,800
SECOND: * Lawrence Morgan	84,955	- 8,380
THIRD: * Blount, Cullman Winston	85,879	- 7,456
FOURTH: * Madison	117,348	+24,013
FIFTH: * Jackson Marshall	84,699	- 8,636
SIXTH: * Etowah St. Clair	122,368	+29,033
SEVENTH: * Calhoun	95,878	+ 2,543
EIGHTH: (Provisional) Talladega Clay, Coosa	88,621	- 4,714
NINTH: (Provisional) DeKalb, Cherokee Cleburne Randolph	88,108	- 5,227
TENTH: (Provisional) Chambers, Elmore Tallapoosa	103,359	+10,024
ELEVENTH: * Tuscaloosa	109,047	+15,712
TWELFTH: * Fayette, Lamar Walker	84,630	- 8,705
THIRTEENTH: * Jefferson #1	90,695	- 2,640
FOURTEENTH: Jefferson #2	90,695	- 2,640
FIFTEENTH: * Shelby, Chilton Autauga	76,564	-16,771
SIXTEENTH: (Provisional) Jefferson #3	90,695	- 2,640
SEVENTEENTH: * Butler, Conecuh Covington	77,953	-15,382
EIGHTEENTH: (Provisional) Jefferson #4	90,695	- 2,640
NINETEENTH: (Provisional) Jefferson #5	90,695	- 2,640
TWENTIETH: (Provisional) Jefferson #6	90,695	- 2,640
TWENTY-FIRST: * Baldwin, Monroe Escambia	104,971	+11,636
TWENTY-SECOND: (Provisional) Jefferson #7	90,695	- 2,640
TWENTY-THIRD: (Provisional) Perry, Bibb, Dallas	88,382	- 4,953
TWENTY-FOURTH: (Provisional) Pickens, Hale, Greene, Sumter, Choctaw	92,930	- 405
TWENTY-FIFTH: (Provisional) Marengo, Wilcox Washington, Clarke	86,947	- 6,388
TWENTY-SIXTH: (Provisional) Lowndes, Pike, Crenshaw, Coffee	86,896	- 6,439
TWENTY-SEVENTH: * Lee Russell	96,105	+ 2,770
TWENTY-EIGHTH: * Montgomery #1	84,605	- 8,730
TWENTY-NINTH: (Provisional) Montgomery #2	84,605	- 8,730
THIRTIETH: (Provisional) Geneva, Henry Houston	88,314	- 5,021
THIRTY-FIRST: * Colbert, Marion Franklin	90,331	- 3,004
THIRTY-SECOND: (Provisional) Macon, Dale Bullock, Barbour	95,945	+ 2,610
THIRTY-THIRD: * Mobile #1	104,767	+11,432
THIRTY-FOURTH: (Provisional) Mobile #2	104,767	+11,432
THIRTY-FIFTH: (Provisional) Mobile #3	104,767	+11,432

* - Present Senate Districts.

1/ Retain 17 Districts; Form 18 Provisional Districts: 9 Multi-County and 9 Coextensive in now egregiously under-represented counties.

2/ Variation from Perfect District of 93,335.